

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DON HARGROVE**, on January 22, 2001 at 10:00 A.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Don Hargrove, Chairman (R)  
Sen. John C. Bohlinger, Vice Chairman (R)  
Sen. Edward Butcher (R)  
Sen. Pete Ekegren (R)  
Sen. Jim Elliott (D)  
Sen. Eve Franklin (D)  
Sen. Ken Toole (D)

**Members Excused:** Sen. Fred Thomas (R)

**Members Absent:** None.

**Staff Present:** Lynette Brown, Committee Secretary  
David Niss, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted:  
Executive Action: HB 112, SB 236

#### **DISCUSSION ON HB 112**

**SEN. PETE EKEGREN** asked if records are erased after a time period, does that mean the records are not permanent records and how could someone investigate them if the need arose? **SEN. ED BUTCHER** responded on page two the bill states that also a paper copy can be kept also. **David Niss** explained the investigators would take the entire computer; they would physically remove the computer.

**SEN. EVE FRANKLIN** said the bill attempts to make e-mail documentation the same as paper correspondence.

**David Niss** explained the amendment requested for this bill. The amendment dealt with the criminal provision at the end of the bill in Section eight, where it says that one person cannot open another person's mail. **Dal Smilie**, Department of Administration, passed out the amendment and said it was pointed out to him that the prohibitions in bill Section eight, lines 12-16 of page seven, would apply to an employer and would prevent the employer under the threat of criminal penalty from opening a person's e-mail even if it was sent or received during business hours and as an official act of business. If the employee was absent and the employer needed to open up the e-mail, Section eight would prevent them from doing that.

**SEN. ED BUTCHER** said he wanted to see the amendment before voting.

**SEN. DON HARGROVE** asked **David Niss** if line 20 would allow a private employer to state rules for his employees saying the employer would have access to the employee's e-mails or does it only refer to public employees? **Mr. Niss** replied he will look into the amendments further.

**SEN. JIM ELLIOTT** asked if there is a reason for line 20 to be included? **SEN. FRANKLIN** responded the line was included because of a former county attorney having the difficulty prosecuting electronic stalkers.

The committee decided to have **David Niss** go over the amendment before taking further action.

#### **EXECUTIVE ACTION ON SB 236**

**SEN. HARGROVE** this bill allows legislators to correct a misunderstanding on being able to sign up for PERS.

**SEN. EKEGREN** agreed that there was a misunderstanding from legislators.

**Motion:** **SEN. TOOLE** moved that **SB 236 DO PASS.**

**Mike O'Connor** said times have changed due to the last two years when the department issued the plan for qualification and that is why this bill is necessary.

**SEN. ELLIOTT** said the reason he wanted to sign up for PERS was because of medical insurance benefits. He said he was in support of this bill.

**Vote:** Motion that **SB 236 DO PASS** carried unanimously.

**SEN. ELLIOTT** told the committee he was considering proposing a study resolution to study the merger of some of the retirement systems. **David Niss** stated the statute for polling all the members on the day we adjourn Sine Die. The list of study resolutions or bills are drawn out. The study resolutions have to be studied because they are an act of law. The resolutions are then prioritized by the legislature, sent back to the council, the legislative council still compares the list as prioritized by all the members. The difficulty is that prioritized system is still in place, so the committee may be left with no time left for its bill. Therefore, it may be a good idea for **SEN. ELLIOTT** to propose this resolution.

**ADJOURNMENT**

Adjournment: 10:50 A.M.

---

SEN. DON HARGROVE, Chairman

---

LYNETTE BROWN, Secretary

DH/LB

**EXHIBIT (sts17aad)**